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From: Kevin G. Mierzwa

Date: January 19, 2005

Our File No.: FGT 1538 PA

Your Ref. No.: 09/683,602

Comments: Attached is Reply Brief in response to the Examiner's
answer of November 24, 2004.

Total Pages (incl. Cover sheet): 4

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of

Ronald Hugh Miller

Group Art Unit: 3663

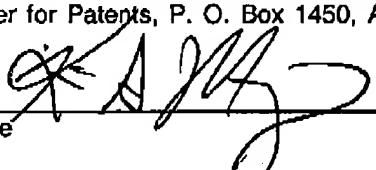
Serial No.: 09/683,602

Examiner: Mancho, Ronnie M.

Filed: 01/24/2002

For: METHOD AND APPARATUS FOR ACTIVATING A
CRASH COUNTERMEASURE

Attorney Docket No.: 201-0783 (FGT 1538 PA)

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. §.1.8(a))	
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Date: <u>1-19-05</u>	Signature <u></u> Kevin G. Mierzwa

REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer of November 24, 2004, please enter the following remarks.

REMARKS

On page 9 of the Response to Arguments, the Examiner states: "As understood in the art of communications and signal processing, the word key is also used in other forms such as keyword, code or codeword, hand-shake, etc. The examiner has interpreted the word, key as known in the art of communications and signal processing and according to applicants' disclosure. Lemelson et al disclose vehicles in communication using a key such as CDMA, which CDMA is a coded or encrypted signal also known as a signal carrying a key intended to be received and processed only by receivers which can interpret the key or coded signal." Appellants strongly disagree with this assessment of the word key and the *Lemelson* reference. It should be noted that the recitations of the word key and how the key is used is specifically set forth in the claims. For example, it is clear that the key is exchanged so that each of the vehicle's with a key can communicate therewith. It is important to note that it is when the vehicle is in the other vehicle's field of view that the key is exchanged. The Examiner in his statements confuses a key with a communication protocol such as CDMA. Just because a vehicle uses CDMA does not mean that it has the key. In a communication system various types of devices typically communicate. The present invention excludes devices that do not have the key from communicating therebetween. On another level, once the vehicle key is exchanged, various types of protocols may be implemented to provide the communication. The key is a special code that must be present in the communication word and both of the communicating signals hold the key. Thus, Appellants would like to emphasize that there is a difference between a key and a protocol.

It should also be noted that CDMA signals do not have a key that is exchanged between the various devices. CDMA signals are code division multiple access signals that allow various devices to communicate in a system so that frequencies may be reused. Each device may for example, be allocated one code. Typically, in a system using CDMA such as a satellite system, various users have different codes for communicating with a central database or gateway station. The code of the code division multiplex signal merely allows frequencies to be reused at the various users.

The focus of the Examiner's argument appears to be placed upon what is and what is not a key. Appellants respectfully submit that what is important is the exchanging of a key in certain conditions. For example, in Claim 1, the recitation of "receiving the object signal at the second vehicle when positioned within the field of view and generating a response signal in response to the object detection signal, said response signal including a key." Claim 14 also

recites exchanging a communication key. Appellants respectfully submit that no teaching or suggestion is found in the *Lemelson* reference for exchanging a communication key. If the Examiner's example of CDMA being a key is carried forward, there is no exchange thereof. It appears that the *Lemelson* reference assumes that each of the vehicles of the communication system communicate and thus no exchanging is performed.

For the above stated reasons and the reasons set forth in the Appeal Brief, Appellants respectfully submit that the claims set forth in the present application distinguish over the various references including the *Lemelson* reference. Appellants therefore respectfully request the Board to reverse the Examiner's position with respect to each and every one of the claims. Appellants therefore respectfully request the Board to pass the case to issue forthwith.

Respectfully submitted,



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